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2009 391 C

September 15, 2009

The Honorable Charles Terreni
Chief Clerk of the Commission
Public Service Commission of South Carolina
Post Office Drawer 11649
Columbia, South Carolina 29211

Re: In the Matter of Sprint Communications Company, L.P. Tariff Filing Addressing
Toll Free 8YY Service, Tariff No. E-2009-253
Docket No.

Dear Mr. Terreni:

Enclosed for filing is a Petition to Institute Investigation of Sprint Tariff Filing and to Intervene in the above-referenced matter.

By copy of this letter, I am serving all parties of record with a copy of this document as indicated on the attached Certificate of Service.

Sincerely,

A handwritten signature in black ink that reads "Patrick W. Turner". The signature is written in a cursive, flowing style.

Patrick W. Turner

PWT/nml
Enclosure
All Parties of Record
743045

In the Matter of Sprint Communications
Company, L.P. Tariff Filing Addressing
Toll Free 8YY Service, Tariff No. E-2009-253

AT&T Communications of the Southern States, LLC (“AT&T Communications”), BellSouth Telecommunications, Inc. d/b/a AT&T South Carolina (“AT&T South Carolina”), and BellSouth Long Distance, Inc. d/b/a AT&T Long Distance Service (“AT&T Long Distance Service”) (collectively, the “AT&T Companies”) respectfully request the Public Service Commission of South Carolina (“the Commission”) to: (1) initiate an investigation of the tariff filing of Sprint Communications, L.P. (“Sprint CLEC”) addressing Toll Free 8YY Service¹; (2) allow the AT&T Companies, pursuant to S.C. Code Regs. §103-825, to intervene and participate as parties of record in that investigation; and (3) either suspend the tariff filing during the pendency of the investigation or require Sprint CLEC to “true up” any and all activity (including without limitation billing) under the tariff filing to comply with any decision the Commission may render as a result of that investigation.

In general, Sprint CLEC's tariff filing applies to toll-free "8YY" calls placed by a Sprint/Nextel wireless customer and carried, in part, by one of the AT&T Companies. Today, these calls typically are routed from a Sprint/Nextel wireless switching center to an Embarq ILEC tandem switch. The Embarq ILEC tandem switch sends a query to a database in order to

Attachment A to this Petition is a copy of this tariff filing.

determine where to route the call for further processing. When that call is to be routed to an AT&T Company, the Embarq ILEC tandem routes the call directly to that AT&T Company's facility, and the AT&T Company pays Embarq ILEC for the functionality it has provided (generally, tandem switching, the database query, and transport to the AT&T Company's facility).

Sprint CLEC's tariff filing is based on a proposed re-routing of these calls. Instead of the Sprint/Nextel wireless switching center sending these calls to an Embarq ILEC tandem switch, the proposal is for the Sprint/Nextel wireless switching center to send these calls to a Sprint CLEC tandem switch. Like the Embarq ILEC tandem switch today, that Sprint CLEC tandem switch will send a query to a database to determine where to route the call for further processing, but Sprint CLEC proposes to charge a significantly higher rate for that database query than the AT&T Companies pay today. Moreover, instead of routing the call directly to the AT&T Company's facility (as happens today), Sprint CLEC proposes to route the call to another entity's tandem switch, which will then route the call to the AT&T Company's facility.

Under Sprint CLEC's tariff, therefore, the AT&T Companies are being asked to: (1) pay Sprint CLEC a much higher price for the same database query that Embarq ILEC performs today; and (2) pay, in many instances, at least two entities for at least two sets of tandem switching and transport functions instead of paying one entity for one set of those functions. This obviously increases costs for the AT&T Companies (and for the customers they serve), but the AT&T Companies can discern absolutely no additional benefit they (or their customers) will receive in exchange for these increased costs.

The AT&T Companies have attempted, and remain willing to continue attempting, to resolve their concerns with Sprint CLEC on a business-to-business basis. Sprint CLEC,

however, has declined the AT&T Companies' request to delay implementation of its tariff while those business-to-business discussions continue. Accordingly, in order to protect their legal rights, the AT&T Companies respectfully request that the Commission initiate an investigation into the tariff filing and either suspend the tariff during the pendency of the investigation or require Sprint CLEC to "true up" any and all activity (including without limitation billing) under the tariff filing to comply with any decision the Commission may render as a result of that investigation.

The AT&T Companies, therefore, respectfully ask the Commission to address these concerns in the same way it addressed the AT&T Companies' similar concerns with MCImetro's similar tariff last year: by suspending the tariff pending an investigation by the Office of Regulatory Staff.²

I. SPRINT CLEC'S TARIFF FILING

1. Sprint CLEC electronically filed its tariff on August 24, 2009, and it proposed an effective date of October 1, 2009. In its Order granting Sprint CLEC's request for flexible regulation, the Commission ruled Sprint CLEC's tariff filings are "subject to the Commission's right within thirty (30) days to institute an investigation of the tariff filing, in which case the tariff filing would be suspended pending further Order of the Commission."³

² See Order Granting AT&T Petition to Intervene, Requesting ORS [to] Investigate, and Suspending Tariff No. 2008-62, *In Re: Petition of the AT&T Companies to Initiate an Investigation and to Intervene on the Tariff Filing by MCImetro Access Transmission Services, LLC d/b/a Verizon Access Transmission Services to Introduce 8YY Toll Free Transit Traffic Service – Reference Tariff No. 2008-62*, Order No. 2008-423 in Docket No. 2008-212-C (June 17, 2008).

³ Order Granting Flexible Regulation, *In Re: Petition of Sprint Communications Company, L.P. for Flexible Regulation of its Competitive Local Telecommunications Services*, Order No. 2003-383 in Docket No. 2003-150-C (June 5, 2003). The AT&T Companies do not waive, and expressly preserve, their rights to argue, if necessary, that the Sprint tariff filing that is the

II. SUMMARY OF THE AT&T COMPANIES' CONCERNS WITH THE TARIFF FILING

2. Sprint CLEC has provided no justification for the rates (which are significantly higher than the rates the AT&T Companies pay today) it proposes to charge for database queries.

3. Sprint CLEC has provided no justification for significantly increasing the AT&T Companies' costs by re-routing this traffic in the manner described above.

4. Sprint CLEC's tariff filing does not expressly require complete compliance with the Multiple Exchange Carrier Access Billing ("MECAB") guidelines and it does not expressly ensure that all carriers handling this type of traffic have the necessary records to bill for the services provided to complete these calls.

5. Sprint CLEC's tariff filing is vague and ambiguous in that it inadequately describes the service itself and how Sprint CLEC intends to bill for the service. For example, the AT&T Companies are concerned that, as written, the tariff filing could be read as allowing Sprint CLEC to charge for service components it may not actually be providing.⁴

III. GROUNDS SUPPORTING REQUEST FOR INVESTIGATION

6. The AT&T Companies have a significant interest in ensuring that Sprint CLEC's tariff filing is lawful and appropriate because, as explained above, it significantly (and without justification) increases costs for the AT&T Companies and the customers they serve without providing any additional benefit to the AT&T Companies or their customers.

subject of this Petition is not a "local tariff filing" but is, instead, an access service tariff filing that the Commission can also investigate and/or suspend as requested by this Petition.

⁴ To provide some, but by no means all, examples of these concerns, Section 6.1.2(E) suggests that Sprint may intend to charge tandem transport elements when Sprint does not actually perform any tandem transport functionality, and Sections 8.2.5, 8.2.7, and 8.2.8 set forth aggregated rates when either the elements making up the rate are not provided or the method used to calculate the rate is not explained.

7. At a minimum, the AT&T Companies submit that the Commission should investigate the concerns set forth in Paragraphs 2-5 above.

IV. GROUNDS SUPPORTING REQUEST FOR INTERVENTION

8. AT&T Communications is a telephone utility presently providing telecommunications services to its subscribers pursuant to intrastate tariffs approved by the Commission.

9. AT&T South Carolina is a telephone utility presently providing telecommunications services to its subscribers pursuant to intrastate tariffs approved by the Commission.

10. AT&T Long Distance Service is a telephone utility presently providing telecommunications services to its subscribers pursuant to intrastate tariffs approved by the Commission.

11. The authorized representative for the AT&T Companies in this proceeding is:

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12. The AT&T Companies have an interest in this proceeding because they will be subject to the Sprint CLEC tariff filing at issue in this proceeding and they have several concerns with the tariff filing, including without limitation those set forth in Paragraphs 2 through 5 above.

13. The AT&T Companies have not yet fully developed their position in this proceeding.

14. Granting the AT&T Companies' Petition to Intervene will not cause any undue delay, and it will not prejudice any party to this proceeding.

15. The AT&T Companies reserve their respective rights to testify and present evidence at any hearing in this proceeding. At this time, the AT&T Companies do not know how much time would be required for such presentation.

V. CONCLUSION

WHEREFORE, based on the foregoing, Petitioners request the following relief:

1. that the Commission initiate an investigation of Sprint CLEC's tariff filing (Tariff No. E-2009-253);
2. that the AT&T Companies be allowed to intervene and participate as parties of record in that investigation;
3. that any parties of record be directed to provide the AT&T Companies with a copy of any pleadings, testimony and exhibits or any other filings made in this proceeding;
4. that the Commission either suspend the Sprint CLEC tariff filing during the pendency of the investigation or require Sprint CLEC to "true up" any and all activity (including without limitation billing) under the tariff filing to comply with any decision the Commission may render as a result of that investigation; and
5. that the Commission grant such other relief as it deems just and proper.

Respectfully submitted on this 15th day of September, 2009.

A handwritten signature in black ink that reads "Patrick W. Turner". The signature is written in a cursive style with a horizontal line extending from the end of the name.

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ATTORNEY FOR AT&T COMMUNICATIONS,
AT&T SOUTH CAROLINA, AND AT&T LONG
DISTANCE SERVICE

742798

ATTACHMENT A

3rd Revised Checksheet Page 1
 Cancels 2nd Revised Checksheet Page 1

ACCESS SERVICE

CHECK SHEET

The Title Page and Pages listed below are inclusive and effective as of the date shown.
 Original and revised pages as named below contain all changes from the original tariff sheets
 that are in effect on the date shown on each page.

*Asterisk indicates changes in current tariff filing.

Page	Revision	Page	Revision	Page	Revision
Title 1	Original	2-30	Original	6-9	Original
Checksheet 1 *	3rd	2-31	Original	6-10	Original
Checksheet 2	1st	2-32	Original	6-11	* 2nd
1	Original	2-33	Original	6-11.1	* Original
2	Original	2-34	Original	6-11.2	* Original
3	* 2nd	2-35	Original	6-12	1st
4	* 1st	2-36	Original	6-13	Original
5	2nd	2-37	Original	6-14	Original
6	1st	2-38	Original	6-15	1st
7	Original	2-39	Original	6-15.1	Original
1-1	Original	2-40	Original	6-16	* 2nd
2-1	Original	2-41	Original	6-17	1st
2-2	Original	2-42	Original	6-18	Original
2-3	Original	2-43	Original	6-19	Original
2-4	Original	2-44	Original	6-20	Original
2-5	Original	2-45	Original	6-21	1st
2-6	Original	2-46	1st	6-22	1st
2-7	Original	2-47	Original	6-23	Original
2-8	Original	3-1	Original	6-24	Original
2-9	Original	4-1	Original	7-1	Original
2-10	Original	5-1	Original	8-1	Original
2-11	Original	5-2	Original	8-2	* 1st
2-12	Original	5-3	Original	8-3	* 1st
2-13	Original	5-4	1st	8-3.1	* Original
2-14	Original	5-5	Original	8-4	1st
2-15	1st	5-6	Original	8-4.1	Original
2-16	Original	5-7	Original	8-5	Original
2-17	Original	5-8	Original	8-6	1st
2-18	Original	5-9	Original	9-1	Original
2-19	Original	5-10	Original	9-2	Original
2-20	Original	5-11	Original	9-3	Original
2-21	Original	5-12	Original	9-4	Original
2-22	Original	6-1	1st	10-1	Original
2-23	Original	6-2	1st	11-1	Original
2-24	Original	6-3	Original	12-1	Original
2-25	Original	6-4	1st	13-1	Original
2-26	Original	6-5	Original	13-2	Original
2-27	Original	6-6	Original		
2-28	Original	6-7	1st		
2-29	Original	6-8	Original		

ACCESS SERVICE

TABLE of CONTENTS

	<u>Page</u>	
5. <u>Ordering Options for Switched Access Service</u>	5-1	
5.1 <u>General</u>	5-1	
5.1.1 Ordering Conditions	5-1	
5.1.2 Provision of Other Services	5-2	
5.1.3 Discontinuance of Service	5-3	
5.2 <u>Access Order</u>	5-3	
5.2.1 Access Order Service Date Interval	5-6	
5.2.2 Access Order Charge	5-6	
5.2.3 Access Order Modifications	5-6	
5.2.4 Cancellation of an Access Order	5-9	
5.2.5 Minimum Period	5-11	
5.2.6 Minimum Period Charges	5-12	
5.3 <u>Rates and Charges</u>	5-12	
6. <u>Switched Access Service</u>	6-1	
6.1 <u>General</u>	6-1	
6.1.1 Switched Access Service Arrangements and Manner of Provision	6-1	
6.1.2 Rate Categories	6-4	
6.1.3 Ordering Options and Conditions	6-11.2	(T)
6.2 <u>Provision and Description of Switched Access Service Arrangements</u>	6-12	
6.2.1 Feature Group D (FGD)	6-13	
6.2.2 Toll Free Database Access Service (TFDBAS)	6-15	
6.2.3 900 Access Service	6-17	
6.3 <u>Optional Features</u>	6-18	
6.3.1 Local Switching Optional Features	6-18	

ACCESS SERVICE

TABLE of CONTENTS

	<u>Page</u>	
6. <u>Switched Access Service</u> (Cont'd)		
6.4 <u>Rate Regulations</u>	6-20	
6.4.1 Description and Application of Rates and Charges	6-20	
6.4.2 Minimum Periods	6-23	
6.4.3 Minimum Monthly Charge	6-23	
6.4.4 Measuring Access Minutes	6-23	
6.5 <u>Obligations of the Company</u>	6-24	
6.5.1 Design and Traffic Routing of Switched Access Service	6-24	
6.6 <u>Rates and Charges</u>	6-24	
7. <u>Reserved for Future Use</u>	7-1	
8. <u>Rates and Charges</u>	8-1	
8.1 <u>Access Order Charges</u>	8-1	
8.1.1 Access Order Charge	8-1	
8.1.2 Service Date Change Charge	8-1	
8.1.3 Design Change Charge	8-1	
8.2 <u>Switched Access Service</u>	8-2	
8.2.1 Switched Transport - Entrance Facilities	8-2	
(A) DS1	8-2	
(B) DS3	8-2	
8.2.2 Switched Transport - Direct-Trunked Transport	8-2	
(A) DS1	8-2	
(B) DS3	8-2	
8.2.3 Switched Transport - Tandem Switched Transport	8-2	
(A) Transport	8-2	
(B) Tandem Switched Transmission	8-2	
(C) Switched Transport - Tandem Switching	8-2	
(D) Common Transport Multiplexing	8-3	
(E) Common Trunk Port	8-3	
(F) Dedicated Trunk Port	8-3	
8.2.4 Switched Transport - Optional Features	8-3	
8.2.5 Local Switching	8-3	
8.2.6 Installation	8-3	
8.2.7 Carrier Common Line Access Service	8-3	
8.2.8 Toll Free 8YY Transit Traffic Service	8-3.1	(N)

ACCESS SERVICE

6. Switched Access Service (Cont'd)6.1 General (Cont'd)6.1.2 Rate Categories (Cont'd)(C) 900 Access Service Nonrecurring Charges

The 900 Access Service nonrecurring charge is assessed depending upon how the service is ordered:

- (1) If the service is ordered to only one end office performing six digit screening, the customer charge for the assembly of route tables is assessed for each end office subtending the access tandem. A second nonrecurring charge element applies per NXX activated or deactivated, times the designated Company end office(s) modified to perform six digit screening for 900 Access Service. This option can be applied repetitively to different tandems to customize the intended offering area.

The route pattern nonrecurring charge applies only once, on the customer's initial request to the Company for 900 Access Service for each end office

(D) Toll Free Database Access Service (TFDBAS)

The Toll Free Database Access Service (TFDBAS) Database Query Charge will apply for each TFDBAS query received at the Company's Toll Free SMS800 Database. Per query charges will be accumulated over a monthly period and billed to the customer on a monthly basis.

(M)
|
(M)

(M) Text previously located on this page now appears on Original Page 6-11.2

ACCESS SERVICE

6. Switched Access Service (Cont'd)6.1 General (Cont'd)6.1.2 Rate Categories (Cont'd)(E) Toll Free 8YY Transit Traffic Service

Toll Free 8YY Transit Traffic Service is an access service in which the company transports Toll Free traffic originated by a third party that is not an end user or other user of the Company's local exchange or exchange access service through its wire center to an Interexchange Carrier Customer. The connection can be either directly via a Direct End Office Trunk (DEOT) from the company's switch to the IXC or indirectly via another LEC tandem switch.

(1) Direct Connect

This rate is in addition to the Toll Free Database Access Service described in Section 6.2.2. Toll Free Transit Service Direct Connect provides for the use of Tandem Switching; and appropriate portions of Tandem Switched Transmission, which includes Tandem Transport Termination (fixed) and Tandem Transport Mileage (per mile); and Common Transport Multiplexing.

(2) Indirect Connect

This rate is in addition to the Toll Free Database Access Service described in Section 6.2.2. Toll Free Transit Service Indirect Connect provides for the use of Tandem Switched Transmission, which includes Tandem Transport Termination (fixed) and Tandem Transport Mileage (per mile); Tandem Switching and Common Transport Multiplexing.

(N)

(N)

ACCESS SERVICE

6. Switched Access Service (Cont'd)

6.1 General (Cont'd)

6.1.3 Ordering Options and Conditions

(M)

Switched Access Service is ordered under the Access Order provisions set forth in 5 preceding. Also, included in that section are other charges which may be associated with ordering Switched Access Service (e.g., Service Date Change Charges, etc.).

(M)

(M) Text now appearing on this page previously appeared on 1st Revised Page 6-11.

ISSUED: August 25, 2009

EFFECTIVE: October 1, 2009

ACCESS SERVICE

6. Switched Access Service (Cont'd)6.2 Provision and Description of Switched Access Service Arrangements (Cont'd)6.2.2 Toll Free Database Access Service (TFDBAS) (Cont'd)(A) Description (Cont'd)

Unless prohibited by network considerations (e.g., different dialing plans), the customer's Toll Free Database Access Service (TFDBAS) traffic may, at the option of the customer, be combined in the same trunk group arrangement with the customer's non toll free database switched access traffic except as follows. Combining Toll Free Database Access Service traffic with the customer's direct routed switched access traffic will be allowed only when the end office is equipped to perform the toll free database query. When required by network considerations, a separate trunk group must be established for Toll Free Database Access Service. (C)

When Toll Free traffic is combined in the same trunk group arrangement with other traffic, usage for the Toll Free Database Access Service traffic will be aggregated with the other traffic for billing purposes. When separate trunk groups are provided for Toll Free Database Access Service, usage will be provided separately. (C)

The Federal Communications Commission ("FCC") has concluded that hoarding, defined as the acquisition of more Toll Free numbers than one intends to use for the provision of Toll Free service, as well as the sale of Toll Free numbers by a private entity for a fee, is contrary to the public interest in the conservation of the scarce Toll Free number resource and contrary to the FCC's responsibility to promote the orderly use and allocation of Toll Free numbers. (C)

ACCESS SERVICE
RATES AND CHARGES8. Rates and Charges (Cont'd)

8.2	<u>Switched Access Service</u>	Nonrecurring Installation Charges	Nonrecurring Rearrangement Charges	
8.2.1	<u>Switched Transport - Entrance Facilities</u>			
(A)	DS1			(C) (D) (D)
	DS1 Switched Transport-Entrance Facilities is included in local switching rate element.			(C)
(B)	DS3 - Current			(D) (D)
	DS3 Switched Transport-Entrance Facilities is included in local switching rate element.			
8.2.2	<u>Switched Transport - Direct-Trunked Transport</u>			
(A)	DS1			
	DS1 Direct-Trunked Transport is included in the Local Switching rate element.			(C)
(B)	DS3			
	DS3 Direct-Trunked Transport is included in the Local Switching rate element.			(C)
8.2.3	<u>Switched Transport - Tandem Switched Transport</u>			
(A)	<u>Transport</u>			
	The Transport rate element is included in the Local Switching rate element.			(C)
(B)	<u>Tandem-Switched Transmission</u>			
	Tandem-Switched Transmission is included in the Local Switching and Toll Free 8YY Transit Traffic Service rate.			(C) (C)
(C)	<u>Switched Transport - Tandem Switching</u>			
	Tandem-Switching is included in the Toll Free 8YY Transit Traffic Service rates.			(C) (C)

ACCESS SERVICE
RATES AND CHARGES8. Rates and Charges (Cont'd)8.2 Switched Access Service (Cont'd)8.2.3 Switched Transport - Tandem Switched Transport (Cont'd)(D) Common Transport Multiplexing

Common Transport Multiplexing is included in the Local Switching and Toll Free 8YY Transit Traffic Service rates.

(C)
(C)(E) Common Trunk Port

The Common Trunk Port is included in the Local Switching rate.

(F) Dedicated Trunk Port

DS1

The DS1 Dedicated Trunk Port is included in the Local Switching rate element.

8.2.4 Switched Transport - Optional FeaturesMultiplexing

DS3 to DS1

DS3 to DS1 Multiplexing is included in the Local Switching rate element.

8.2.5 Local Switching

	<u>Rate Per Access Minute</u>	<u>Maximum Rate Per Access Minute</u>
Local Switching is a composite rate.	\$0.015550	\$0.031100

8.2.6 Installation

	<u>Current Nonrecurring Charges</u>	<u>Maximum Nonrecurring Charges</u>
Per Line or Trunk	\$52.00	\$104.00

8.2.7 Carrier Common Line Access Service

Carrier Common Line is included in the Local Switching rate element.

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ACCESS SERVICE
RATES AND CHARGES8. Rates and Charges (Cont'd)8.2 Switched Access Service (Cont'd)8.2.8 Toll Free 8YY Transit Traffic Service

Direct Connect *
Per Access Minute
\$0.001154

Direct Connect - Maximum
Per Access Minute
\$0.002308

Indirect Connect**
Per Access Minute
\$0.001887

Indirect Connect - Maximum
Per Access Minute
\$0.003774

(N)

(N)

* Toll Free 8YY Transit Traffic -Direct Connect is comprised of the following rate elements: Tandem Switched Transmission, which includes one-half Tandem Transport Termination (fixed) and Tandem Transport Mileage (1 mile); Tandem Switching; and one-half Common Transport Multiplexing.

(N)

** Toll Free 8YY Transit Traffic -Indirect Connect is comprised of Tandem Switched Transmission, which includes Tandem Transport Termination (fixed) and Tandem Transport Mileage (10 miles); Tandem Switching; and Common Transport Multiplexing. These rates also apply in the event of an overflow situation with Toll Free 8YY Transit Traffic Service Direct Connect.

(N)

(M) Text now appearing on this page originally appeared on Original Page 8-3.

ISSUED: August 25, 2009

EFFECTIVE: October 1, 2009

STATE OF SOUTH CAROLINA)
)
COUNTY OF RICHLAND) CERTIFICATE OF SERVICE

The undersigned, Nyla M. Laney, hereby certifies that she is employed by the Legal Department for AT&T South Carolina (“AT&T”) and that she has caused a Petition of AT&T Companies to Institute Investigation of Sprint Tariff Filing and to Intervene to be served upon the following this September 15, 2009:

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